

ARNOLD & PORTER LLP

AF/1634
JFw#

Thomas E. Holsten
Thomas_Holsten@aporter.com

202.942.5085
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

December 7, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1634
Examiner: S.L. Bausch
Conf. No.: 8378

Re: U.S. Patent Application No. 09/667,188 filed September 21, 2000
Inventors: Scott E. ANDERSEN *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt: 16517.293

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

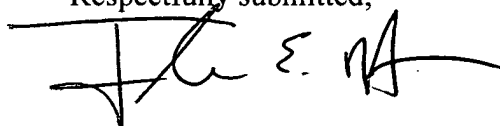
1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$340.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.293. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.293.

Respectfully submitted,



Thomas E. Holsten (Reg. No. 46,098)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Confirmation No.: 8378

Scott E. ANDERSEN *et al.*

Art Unit: 1634

Appl. No.: 09/667,188

Examiner: Sarae L. Bausch

Filed: September 21, 2000

Atty. Docket: 16517.293

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF

Commissioner for Patents

P.O. Box 1450


Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed September 7, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

Respectfully submitted,



Thomas E. Holsten (Reg. No. 46,098)

David R. Marsh (Reg. No. 41,408)

Date: December 7, 2004

Of Counsel:

Lawrence M. Lavin, Jr. (Reg. No. 30,768)

Thomas E. Kelley (Reg. No. 29,938)

Arnold & Porter LLP

555 Twelfth Street, N.W.

Washington, DC 20004

Tel: 202-942-5000

Fax: 202-942-5999

Correspondence Address:

Monsanto Company

Attn: Nancy M. Huelskamp

800 N. Lindbergh Boulevard

Mailzone E2NA

St. Louis, Missouri 63167

Tel: 314-694-1000

Fax: 314-694-9009